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REMARKS

Claims 1-42 are pending in the present application. The Examiner objected to the claims, rejected claims 1-13, 15-20 and 22-37 under 35 U.S.C. §101, objected to claims 7 and 11 due to a potential double patenting, rejected claims 15 and 17-37 under 35 U.S.C. §112, second paragraph, and claims 1-42 under 35 U.S.C. §103. Applicant has amended claims 1, 14-17, 19, 21, and 38-41, has canceled claims 11-13, and has added new claims 43 and 44. No new matter has been added.

Claim Objections:

The Examiner objected to claims 10, 16, 12-13, 14-37, 24, 30, and 32 due to informalities. Applicant has corrected the informalities in claims 10, 16, 14, 24, 30, and 32 as requested by the Examiner. Applicant has canceled claims 12-13. Reconsideration and withdrawal of this objection are respectfully requested.

Double Patenting Objection:

The Examiner also objected to claims 7 and 11 because of potential double patenting. Applicant has canceled claim 11. tis objection

Section 101 Rejections:

The Examiner rejected claims 1-13 under 35 U.S.C. §101 as inoperative and therefore lacking utility. Applicant has amended claim 1 to recite a step of delivering a catalog, thus Applicant urges that claim 1 and dependent claims 2-13 are now operative. tese rejections

The Examiner rejected claims 15-20 and 22-37 under 35 U.S.C. §101 as inoperative and therefore lacking utility. The Examiner noted that claim 21 recited a step of delivering a catalog. Applicant has amended claim 14 to incorporate the claim 21 steps of generating, publishing previewing and delivering a catalog, and has amended claim 21 to cancel these steps. Applicant urges that claims 14-37 are now operative. tese rejections

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Section 112 Rejections:

The Examiner rejected claims 15, and 36-37 under 35 U.S.C. §112, second paragraph, for being indefinite. Specifically, the Examiner objected to the phrase "optionally combining said overlay image layers" in claim 15 as being ambiguous. Applicant has amended claim 15 to cancel this limitation, and has added new claim 43 depending from claim 15. Applicant similarly amended claim 40, and added new claim 44 depending from claim 40. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claim 21 under 35 U.S.C. §112, second paragraph, because the step "optionally formatting said catalog" rendered the claim ambiguous. Applicant has amended claim to recite only the step "formatting said catalog". Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claims 17-19 under 35 U.S.C. §112, second paragraph, because the claim 17 recitations of "embedded graphics" have as antecedent the phrase "product text description containing at least one of in-line graphics and embedded graphics". Applicant has amended claim 17 to recite the limitation "in-line and/or" to recite either one of or both of in-line graphics or embedded graphics. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner rejected claims 20 and 22-37 under 35 U.S.C. §112, second paragraph, because the claim 20 recitations of "embedded graphics" have as antecedent the phrase "product text description containing at least one of in-line graphics and embedded graphics". Applicant has amended claim 20 to recite the limitation "in-line and/or" to recite either one of or both of in-line graphics or embedded graphics. Reconsideration and withdrawal of this rejection are respectfully requested.

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Section 103 Rejections:

Claims 1-13 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2002/0082953 (Batham, et al.).

Claims 2-5 were rejected under 35 U.S.C. §103(a) as being obvious over Batham and official notice.

Claims 6, 8-10, and 12-13 were rejected under 35 U.S.C. §103(a) as being obvious over Batham, and further in view of U.S. Patent No. 5,392,066 (Fisher, et al.).

Claims 7 and 11 were rejected under 35 U.S.C. §103(a) as being obvious over Batham, Fisher, and official notice, and further in view of U.S. Patent Application Publication No. 2002/0102966 (Lev, et al.).

Claims 14 and 17-35 were rejected under 35 U.S.C. §103(a) as being obvious over Batham and official notice.

Claims 15-16 and 36-37 were rejected under 35 U.S.C. §103(a) as being obvious over Batham and official notice, and further in view of Fisher and Lev.

Claim 38 was rejected under 35 U.S.C. §103(a) as being obvious over Batham and official notice.

Claims 39 was rejected under 35 U.S.C. §103(a) as being obvious over Batham and official notice.

Claim 40 was rejected under 35 U.S.C. §103(a) as being obvious over Batham and official notice, and further in view of Fisher and Lev.

Claim 41 was ejected under 35 U.S.C. §103(a) as being obvious over Batham.

Claims 42 was ejected under 35 U.S.C. §103(a) as being obvious over Batham and official notice.

Applicant has amended independent claims 1, 14, 38, 39 and 41 to recite that the *product content comprises XML files based on a Document Type Definition*. Applicant urges that, at the very least, Batham fails to teach or suggest *product content [that] comprises XML files based on a Document Type Definition*, as recited in independent claims 1, 14, 38, 39 and 41.

Batham is directed to a system for producing a catalog from a previously existing database. Batham's method can scan the previously existing database and use its data fields as catalog data fields, and can automatically format database data into the catalog. These catalogs are intended for display on a graphical user interface (GUI), and for creating outputs that include, but are not limited to, PDF format, hard copy printouts, electronic formats such as RTF, and facsimile formats. Thus, the objects that form the subject matter of Batham are GUI objects, not XML documents, as essentially recited in claims 1, 14, 38, 39 and 41. Batham nowhere discloses or suggests XML document objects based on Document Type Definitions, as essentially recited in claims 1, 14, 38, 39 and 41. Thus, Applicant urges that since Batham fails to teach or suggest all limitations recited by independent claims 1, 14, 38, 39 and 41, these claims are not *prima facie* obvious over Batham. Reconsideration and withdrawal of these rejections are respectfully requested.

Furthermore, regarding claim 38, the Examiner took official notice that it is known to publish organizations of structures. However, for the reasons discussed above, Applicant urges that claim 38 is not obvious over Batham, the official notice notwithstanding. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 2-5, 17-35, 40 and 42 all depend from claims 1, 14, 39, and 41, respectively, and are thus patentable for at least the same reasons as claims 1, 14, 39, and 41. Reconsideration and withdrawal of these rejections are respectfully requested.

Furthermore, regarding claims 2, 14, 39, and 42, the Examiner took official notice that it is well known to update graphics. However, for the reasons discussed above,

Applicant urges that claims 2, 14, 39, and 42 are not obvious over Batham in view of the official notice. Reconsideration and withdrawal of these rejections are respectfully requested.

Regarding claim 21, the Examiner took official notice that previewing documents and websites is well known. Regarding claim 22, the Examiner took official notice that treating objects that are not variables as particular objects for evaluation is well known. Regarding claim 23, the Examiner took official notice that treating objects that replacing variables with values is well known. Regarding claim 34, the Examiner took official notice that treating objects that defining global and local variables is well known. However, for each of these claims, Applicant urges that the Examiner's official notice does not render the claim obvious for the reasons discussed above. Reconsideration and withdrawal of these rejections are respectfully requested.

Regarding claims 6, 8-10, and 12-13, the Examiner cited Fisher for teaching selectively generating and adding overlays, and combining image data and overlays. Fisher, however, is directed to overlaying pricing information on graphic formats, and neither discloses or suggests that these objects are XML document objects, as recited by claim 1. Thus, Fisher fails to rectify the deficiencies of Batham, discussed above. Therefore, Applicant urges that a *prima facie* case of obviousness of claims 6 and 8-10 over Batham and Fisher cannot be maintained. Claims 12-13 have been canceled for reasons discussed above, thus Applicant urges that their rejection is moot. Reconsideration and withdrawal of these rejections are respectfully requested.

Regarding claims 7, 11, 15-16 and 36-37, the Examiner cited Lev as teaching extracting data, including labels and symbols, from images. Lev is directed to an object identification method for portable wireless devices, and neither discloses or suggests that these objects are XML document objects, as recited by claims 1 and 14. Thus, Lev fails to rectify the deficiencies of Batham and Fisher, discussed above. Therefore, Applicant urges that a *prima facie* case of obviousness of claims 7, 15-16 and 36-37 over Batham, Fisher, and Lev cannot be maintained. Furthermore, regarding claim 37, the Examiner took official notice that it is known to publish organizations of structures. However,

Applicant urges that claim 37 is not obvious over Batham, Fisher, and Lev, the official notice notwithstanding. Claim 11 has been canceled for reasons discussed above, thus Applicant urges that its rejection is moot. Reconsideration and withdrawal of these rejections are respectfully requested.

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CONCLUSION

Applicant urges that amended claims 1-10 and 14-44 are in condition for allowance for at least the reasons stated. Early and favorable action on this case is respectfully requested.

Respectfully submitted,

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